



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/896,238

06/29/2001

Guerry L. Grune

9158

29439 7590 05/15/2008

GUERRY LEONARD GRUNE
784 S VILLIER CT.
VIRGINIA BEACH, VA 23452

EXAMINER

MIZRAHI, DIANE D

ART UNIT

PAPER NUMBER

2165

MAIL DATE

DELIVERY MODE

05/15/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/896,238	Applicant(s) GRUNE ET AL.	
	Examiner DIANE MIZRAHI	Art Unit 2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11-30-07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the Amendment filed November 30, 2007.

Claims 12, 19 and 20 are pending in this Application. Applicant has canceled claims 1-11.

Examiner's Remarks: Claims 13-18 depend on canceled claim 1. Claims 21 and 22 depend on canceled claim 9. Because Claim 1 and 9 are canceled, dependent Claims 13-18 and 21-22 (dependent on canceled claims) will not be examined because the claims 1 and 9 have been canceled by the Applicant of record. Therefore, claims 13-18 and 21-22 are canceled as well because they dependent on canceled claims 1 and 9. Therefore, Claims 12, 19 and 20 will be examined.

Applicant failed to sign the office action of June 17, 2007. For the sake of not giving the Applicant another non-compliant, Examiner will acknowledge a most recent signature on the correspondence of November 30, 2007, and correspondence referring to the claims of March 8, 2007 in which the Applicant signed. The Office's EFS system starting with version 5.1 released on April 14, 2003, permits applicants and registered practitioners to sign portions of an EFS submission with an electronic signature. The electronic signature is any typed combination of alphanumeric characters. The electronic signature must comply with 37 CFR 1.4(d)(3). S-signature. An S-signature is a signature inserted between forward slash marks, but not a handwritten signature as defined by § 1.4(d)(1). An S-signature includes any signature

made by electronic or mechanical means, and any other mode of making or applying a signature not covered by a handwritten signature of § 1.4(d)(1). See (§ 1.4 Nature of correspondence and signature requirements (C)).

Drawings

The drawing is objected to because in Applicant's original specification of June 29, 2001, the specification did not contain a *description of Figure 6* or *Figure 6*. Examiner believes that Applicant has added new matter with the drawing of Figure 6 and description of the Figure 6 in Applicant's specification an amendment dated 1/27/2004. Figure 6 is new matter.

Specification

The disclosure is objected to because of the following informalities:

(I). The arrangement of the specification should appear as shown below: In Applicant's specification, the Summary of the Invention, page 10, appears after the Brief Description of the drawings, pages 7-9. See recommended format below:

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in

Art Unit: 2165

upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

(I I). According to 37 CFR 1.53. "No new matter may be introduced into an application after its filing date." (601.01 [R-3] , section b). Applicant's original specification of June 29, 2001, did not contain a description of Figure 6 or Figure 6. Examiner believes that Applicant has added new matter with the drawing Figure 6 and description of the Figure 6 in Applicant's specification and amendment dated 1/27/2004. Applicant's original specification of June 29, 2001 did not contain any mention of Figure 6 in the disclosure. Examiner considers this addition of Figure 6 and description of Figure 6 (disclosure, page 10) as new matter. (see MPEP 608.04(c)).

(III). In Applicant's original specification of June 29, 2001 (page 1, lines 29) claims that "Aurigin's PCT application WO 98/55945 incorporated in this application" is considered prior art and should be submitted on an Information Disclosure form. Examiner requests a copy of the prior art.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

According to 37 CFR 1.75, claims in the specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

One or more claims may be presented in dependent form, referring back to and further limiting another claim or claims in the same application. Any dependent claim which refers to more than one other claim ("multiple dependent claim") shall refer to such other claims in the alternative only. Multiple dependent claims shall not serve as a basis for any other multiple dependent claim (608.01(i) [R-3], (a).)

Applicant's Claim 19 depends on claims 12-18. These claims are not in the alternative.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 12, and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 12:

Claim 12 (and its dependent claim 19) recites a **"system"** comprising a **"server... client and computer program"** for storing, retrieving and searching.

The Examiner notes the disclosure of the present invention expressly states "*the server executes SIPS-VSM (simultaneous intellectual property search an valuation system and methodology) to run its intelligent agent.*"

see Specification --, Page 7 and

"computer executes the intelligent search engine."

The Examiner interprets **all functions** described herein **may be performed** in either hardware or **software**. Thus, for purposes of examination, the examiner interprets

the recited "determining unit and the recited **"system"** to comprise only computer software.

Accordingly, the "system" recited in Claims 12 and 19 are software per se.

Computer software is not a process, a machine, a manufacture or a composition of matter.

Accordingly, Claims 12 and 19 fails to recite statutory subject matter, as defined in 35 U.S.C. 101.

In the interest of compact prosecution, the application is further examined against the prior art, as stated below, upon the assumption that the applicants may overcome the above stated rejections under 35 U.S.C. 101.

Claim Rejections - 35 USC 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 12, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable Rivette et al., US Patent No. 6499026 B1 and Rivette hereinafter) in view of Kevin W. Boyack et al. (Paper entitled, "Analysis of Patent Databases Using VxInsight", March 29, 2001, published by Sandia National Laboratories and referred as Boyack hereinafter).

Regarding Claim 12, Rivette discloses a computer system for enabling a simultaneous (i.e. simultaneously) (Rivette, Col 26, line 6) and (i.e. enables the computer control logic to execute programs to perform functions) (Rivette, Col 16, lines 5-13) combination of techniques including intelligent searching for problem solving with (i.e. intelligent agents) (Rivette, Col 24, line 41) (*Examiner notes that an intelligent agent is used for intelligent actors which observe and act upon an environment, in the sense of a rational agent, an entity that is capable of perception, action and goal directed behavior. Such an agent might be a robot or an embedded real time software system - and is intelligent if it interacts with its environment in a manner that would normally be regarded as intelligent if that interaction were carried out by a human being. Also, an intelligent agent might be wholly autonomous, carrying out its own agenda, and acting as an agent for no one.*), and valuation of intellectual property (i.e. patent's value) (Rivette, Col 11, line 66) , while regarding said intellectual property in a meaningful manner with a user interface device (Figure 9, item 902, item 906)(Figure 4, item 420) (i.e. document identification of patents such as document number, title, application type, figures) (Figure 12H, item 1222), said computer system (Figure 40, item 57, computer) comprising;

at least one server computer (i.e. enterprise server) (Figure 3, item 314);
one or more client computers connected to said server computer via a global area network (Figure 3, whole figure) and one or more computer programs (i.e. computer program products having software that enables the computer to perform)(Col 16, lines

Art Unit: 2165

2-4) executed by one or more server computers (Figure 3, item 314) wherein said computer program further comprises computer instructions for (i.e. computer program products having software that enables the computer to perform)(Col 16, lines 2-4)

storing, retrieving, and searching for information (i.e. database such as inventor, mapping, bibliographic, corporate, entity and the like) (Rivette, Col 9, lines 37-67 and Col 10, lines 11-22) (Examiner notes that a database is a structured collection of records or data that is stored in a computer system. In order to retrieve and access information from this storage one must query the database to find and retrieve the information)

regarding said intellectual property (i.e. patents or patent database) (Figure 6, item 614) corresponding to a technology sector within a technology exchange (i.e. reads on patents which contain numerous and various different individual and corporate technologies) ((Figure 6, item 621) in and from a database, storing, retrieving, and searching (i.e. database such as inventor, mapping, bibliographic, corporate, entity and the like) (Rivette, Col 9, lines 37-67 and Col 10, lines 11-22) (Examiner notes that a database is a structured collection of records or data that is stored in a computer system. In order to retrieve and access information from this storage one must query the database to find and retrieve the information)

problem solving solutions related to said intellectual property (i.e. intelligent agents) (Rivette, Col 24, line 41) (*Examiner notes that an intelligent agent is used for*

Art Unit: 2165

intelligent actors which observe and act upon an environment, in the sense of a rational agent, an entity that is capable of perception, action and goal directed behavior. Such an agent might be a robot or an embedded real time software system - and is intelligent if it interacts with its environment in a manner that would normally be regarded as intelligent if that interaction were carried out by a human being. Also, an intelligent agent might be wholly autonomous, carrying out its own agenda, and acting as an agent for no one.), in and from a database, storing, retrieving, and searching (i.e. database such as inventor, mapping, bibliographic, corporate, entity and the like) (Rivette, Col 9, lines 37-67 and Col 10, lines 11-22) (Examiner notes that a database is a structured collection of records or data that is stored in a computer system. In order to retrieve and access information from this storage one must query the database to find and retrieve the information)

scientific and engineering publications (i.e. databases such as inventors or corporate entities which contain research and development such as different technologies) (Rivette, Col 14, lines 39-44) (Rivette, Col 17, lines 61-65) or (non-patent information) (Rivette, Col 14, line 9-13) related to said intellectual property (i.e. patent information) (Rivette, Col 14, lines 39-40) in and from a database (i.e. patent database) (Rivette, Figure 6, item 614);

allowing for searching, retrieving, and storing into and from said database or databases information regarding (i.e. databases such as inventors or corporate entities which contain research and development) (Rivette, Col 14, lines 39-44) (Rivette, Col

Art Unit: 2165

17, lines 61-65) or (non-patent information) (Rivette, Col 14, line 9-13) said intellectual property (i.e. patent information) (Rivette, Col 14, lines 39-40)

within said technology exchange (i.e. see below technologies such as pharmaceutical, or generating compounds, chemical, bioactive, robotically generated and the like)(Rivette, Figure 40, whole Figure)

Art Unit: 2165

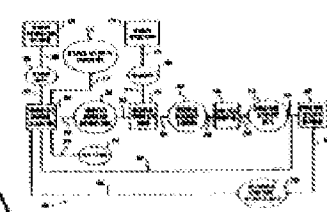
4002 United States Patent [19] Agrofotis et al.		US005574656A Patent Number: 5,574,656 4004 Date of Patent: Nov. 12, 1996 4006	
[54] SYSTEM AND METHOD OF AUTOMATICALLY GENERATING CHEMICAL COMPOUNDS WITH DESIRED PROPERTIES 4010 4012 [75] Inventors: Dimitris K. Agrofotis, Exton, Pa.; Roger F. Bone, Bridgewater, N.J.; Francis R. Salemme, Kennett Square, Pa.; Richard M. Soil, Lawrenceville, N.J. [73] Assignee: 3-Dimensional Pharmaceuticals, Inc., Philadelphia, Pa. [21] Appl. No.: 535,822 4014 [22] Filed: Sep. 28, 1995 4016 4018 Related U.S. Application Data [63] Continuation of Ser. No. 306,915 Sep. 16, 1994, Pat. No. 5,463,564. 4024 [51] Int. Cl. 6 4020 4022 G06F 17/50 [52] U.S. Cl. 364/500; 364/496; 463/43 [58] Field of Search 364/496, 497, 364/500, 499; 436/43, 50, 55; 423/659; 4026 424/2; 935/85-88 [56] References Cited 4028 U.S. PATENT DOCUMENTS 4,939,666 7/1990 Hardman 436/89 5,240,680 8/1993 Zuckerman et al. 422/67 5,270,170 12/1993 Scholz et al. 435/7.37 5,288,514 2/1994 Ellman 427/2 5,331,573 7/1994 Boloji et al. 364/500 FOREIGN PATENT DOCUMENTS 4040 0355628 10/1989 European Pat. Off. . 0355266 2/1990 European Pat. Off. . WO91/19735 12/1991 WIPO. 92/00091 1/1992 WIPO. 93/20242 10/1993 WIPO.		OTHER PUBLICATIONS Pabo et al., "Computer-Aided Model Building Strategies for Protein Design", <i>Biochemistry</i> , vol. 25, No. 20, pp. 5987-5991, 1986. Saudek et al., "Solution Conformation of Endothelin-1 by NMR, CD, and Molecular Modeling", <i>International Journal of Peptide Protein Res.</i> , No. 37, pp. 174-179, 1991. "The Use of Synthetic Peptide Combinatorial Libraries for the Identification of Bioactive Peptides", <i>Peptide Research</i> , vol. 5, No. 6, pp. 351-358, 1992. "Strategies for Indirect Computer-Aided Drug Design", <i>Pharmaceutical Research</i> , vol. 10, No. 4, pp. 475-486, 1993. "Screening Chemically Synthesized Peptide Libraries for Biologically Relevant Molecules", <i>Organic & Medicinal Chemistry Letters</i> , vol. 3, No. 3, pp. 397-404, 1993. "Combinatorial Approaches Provide Fresh Leads for Medicinal Chemistry", <i>C&EN</i> Feb. 1994. "Current Trends in Synthetic Peptide and Chemical Diversity Library Design", <i>Genetic Engineering News</i> , pp. 31-32, May 1, 1994. (List continued on next page.) 4030 Primary Examiner - James P. Trommell Assistant Examiner - Kyle J. Choi 4032 Attorney, Agent, or Firm - Sterne, Kessler, Goldstein & Fox, P.L.L.C. 4034 [57] ABSTRACT A computer based, iterative process for generating chemical entities with defined physical, chemical and/or bioactive properties. During each iteration of the process, (1) a directed diversity chemical library is robotically generated in accordance with robotic synthesis instructions; (2) the compounds in the directed diversity chemical library are analyzed to identify compounds with the desired properties; (3) structure-property data are used to select compounds to be synthesized in the next iteration; and (4) new robotic synthesis instructions are automatically generated to control the synthesis of the directed diversity chemical library for the next iteration.	
		4036 2 Claims, 12 Drawing Sheets 4038	

FIG. 40

Art Unit: 2165

said problem solving (i.e. intelligent agents) (Rivette, Col 24, line 41) (*Examiner notes that an intelligent agent is used for intelligent actors which observe and act upon an environment, in the sense of a rational agent, an entity that is capable of perception, action and goal directed behavior. Such an agent might be a robot or an embedded real time software system - and is intelligent if it interacts with its environment in a manner that would normally be regarded as intelligent if that interaction were carried out by a human being. Also, an intelligent agent might be wholly autonomous, carrying out its own agenda, and acting as an agent for no one.*), database (i.e. databases such as inventors or corporate entities which contain research and development) (Rivette, Col 14, lines 39-44) (Rivette, Col 17, lines 61-65) or (non-patent information) (Rivette, Col 14, line 9-13), and said science and engineering database (i.e. patent information database) (Rivette, Figure 6, item 614) (Rivette, Col 14, lines 39-40), and valuing said intellectual property (i.e. patent's value) (Rivette, Col 11, line 66) according to one or more search criteria specified by a user (i.e. inventor databases, and corporate entity databases, the financial databases, the person databases, and the employee databases. Such information includes R&D (research and development) information, financial information, licensing information, manufacturing information, HR (human resources) information, and any other information that may be pertinent to the analysis of the customer's patents and other relevant documents. (Rivette, Col 17, lines 62-67 to Col 18, lines 1-2) (*Examiner notes that with all these databases, a user can search such criteria according to finances, corporate, inventor, research and development or the like).*

Rivette does not expressly teach model mapping.

Boyack teaches model mapping (i.e. map of specific intellectual property) (Section 4. Application to Patent Data) and (Figure 1, "Landscape of patent class 360) and (i.e. analysis and mapping of patent data) (Introduction).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Rivette with the teachings of Boyack to include model mapping with the motivation to allow for powerful and flexible tools for exploring data collections, by providing access to the data in an intuitive visual format, and easy to interpret. By presenting data as a landscape, this allows for very large data sets to be represented in a memorable way. (Boyack et al., Introduction).

Regarding Claim 19, Rivette does not expressly model mapping includes topographical features optionally including colors, numbers, or symbols representing intellectual property value and direction of increasing and decreasing value of said intellectual property.

Boyack teaches model mapping includes topographical features (i.e. landscape maps such as contour maps like display in which color represents density) (Boyack, 2.3 Visualization Tools) optionally including colors, numbers, or symbols representing

intellectual property value and direction of increasing and decreasing value (i.e. contours of highs and lows representing patent class significance by technology companies such as Sony, shown in yellow or Seagate shown in red) (Figure 1) of said intellectual property (i.e. patent class 360) (Figure 1) see also (Figure 5 for landscape map of all patents issued in January 2000 where the map shows technologies such as networks, vehicle control, film, and the like).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Rivette with the teachings of Boyack to include model mapping includes topographical features optionally including colors, numbers, or symbols representing intellectual property value and direction of increasing and decreasing value of said intellectual property with the motivation to allow for powerful and flexible tools for exploring data collections, by providing access to the data in an intuitive visual format, and easy to interpret. By presenting data as a landscape, this allows for very large data sets to be represented in a memorable way. (Boyack et al., Introduction).

Regarding Claim 20, the rejection of claims 12 and 19 respectively, are fully incorporated and are similarly rejected along the same rationale. In addition, Rivette teaches for enabling optional simultaneous and instantaneous real-time or optional simultaneous or optional instantaneous real-time review of data (i.e. corporations do not

Art Unit: 2165

conduct such patent searches. One significant reason for this is the difficulty in identifying relevant patents, and the difficulty in analyzing patents. Computerized search tools are becoming available to the public, such as web sites on the Internet that can be used to conduct patent searches) (Rivette, Col 1, lines 56-62) (Examiner notes that the Internet is a series of interconnected computer networks that transmit data. The Internet is a "network of networks" that consists of millions of smaller domestic, academic, business, and government networks, which together carry various information and services, such as electronic mail, online chat or file transfer, and the interlinked web pages and other resources of the World Wide Web (WWW). A user views web pages that may contain text, images, videos, and other multimedia and navigates between them using hyperlinks. The Internet provides for optional instantaneous real-time viewing of data.) patent shoe (i.e. patents in shoes) (Rivette, Col 125, line 65) , by means of an audio or visual or audiovisual display, in a meaningful manner, at least (i.e. document databases 612 may be text, images, graphics, audio, video, multimedia and/or any other information representation that can be stored in electronic form.) (Rivette, Col 20, lines 18-21) a list of patents (i.e. patent database 614 includes electronic representation of U.S. and foreign patents of interest to the customer) (Rivette, Col 18, lines 22-28) causing, pursuant to a command to view or hear a next file (i.e. images, graphics, audio, video, multimedia and/or any other information representation)(Rivette, Col 20, lines 18-21), audible or visual display of image (Rivette, Col 20, lines 18-21) or text data or both image (Rivette,

Art Unit: 2165

Figure 40) causing, pursuant to a command to view a previous file (i.e. Figure 41 is a new view of a previous file)

Art Unit: 2165

4102		US005371644A
United States Patent [19] Hoge et al.		[11] Patent Number: 5,371,644 [45] Date of Patent: *Dec. 6, 1994
[54] SELF IDENTIFYING UNIVERSAL DATA STORAGE ELEMENT WITH HUMAN INTELLIGIBLE WRITE PROTECT MECHANISM		Attorney, Agent, or Firm—Stern, Kessler, Goldstein & Fox
[75] Inventors: David T. Hoge, Westminster; John C. Owens, Arvada, both of Colo.; Michael W. Johnson, Cottage Grove, Minn.		[57] ABSTRACT A mechanism for defining a write protect state of a data storage media enclosed in a housing of a data storage element is disclosed. The mechanism includes an aperture formed in an exterior surface of the housing, wherein the aperture has a first region and a second region. A member is movably secured within the aperture and is manually movable between a first position wherein the member is positioned proximate the aperture first region, and a second position wherein the member is positioned proximate the aperture second region. A first human intelligible mark is placed on the housing proximate the aperture first region. The first human intelligible mark depicts a portion of a predetermined symbol corresponding to one of a write enabled state and a write protect state of the data storage media. A second human intelligible mark is placed on the member. The second human intelligible mark depicts a remaining portion of the symbol. The second human intelligible mark is alignable with the first human intelligible mark by moving the member into the first position. When the first and second human intelligible marks are aligned, the first and second human intelligible marks depict an unbroken image of the symbol, thereby indicating that the data storage media is in the one of the write enabled state and the write protect state. When the first and second human intelligible marks are not aligned, the first and second human intelligible marks depict a broken image of the symbol, thereby indicating that the data storage media is in another of the write enabled state and the write protect state of the data storage media.
[73] Assignees: Storage Technology Corporation, Louisville, Colo.; Minnesota Mining and Manufacturing Company, St. Paul, Minn.		
[*] Notice: The portion of the term of this patent subsequent to Aug. 24, 2010 has been disclaimed.		
[21] Appl. No.: 115,135		
[22] Filed: Sep. 1, 1993		
Related U.S. Application Data		
[63] Continuation-in-part of Ser. No. 870,578 Apr. 17, 1992, Pat. No. 5,239,437, which is a continuation-in-part of Ser. No. 744,456 Aug. 12, 1991, abandoned.		
[51] Int. Cl. ⁵ G11B 15/04		
[52] U.S. Cl. 360/132; 360/133		
[58] Field of Search 360/132, 95, 134, 131, 360/133; D14/121-123		
[56] References Cited		
U.S. PATENT DOCUMENTS		
0,331,053 11/1992 Zucker et al. D14/115		
5,210,671 5/1993 Blackston 360/133		
5,239,437 8/1993 Hoge et al. 360/132		
Primary Examiner—Paul M. Dzierzynski Assistant Examiner—Don Wong		
		7 Claims, 4 Drawing Sheets
		FIG. 41

Art Unit: 2165

allowing a user to scroll back and forth with no limitations and to provide reports capture any desired portion of said visual displays (i.e. user view patents in the document pane by horizontal scroll and sideways scroll in the document pane) (Rivette, Col 114, lines 30-40).

It is noted that any citations to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. See, MPEP 2123.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Art Unit: 2165

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christian Chase can be reached on (571) 272-4190. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 305-3900 for After Final communication.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Diane Mizrahi/

Diane.Mizrahi@USPTO.gov
Primary Patent Examiner
Technology Center 2100

April 6, 2008